



**MEMO ENDORSED**

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January 22, 2024

**VIA ECF**

Honorable Barbara M. Moses  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl St.  
New York, New York 10007

Re: Lamar Johnson v. City of New York et al.,  
22-CV-5743 (PGG)(BCM)

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Hon. Sylvia O. Hinds-Radix Corporation Counsel of the City of New York assigned to the defense of the above referenced matter. Defendants submit this letter in response to Your Honor's January 19, 2024 order and to respectfully request that the Court adjourn the settlement conference to a date convenient for the Court. Plaintiff's counsel consents to this request. *See* Civil Docket Entry No. 83.

By way of brief background, on July 6, 2022 plaintiff filed his complaint alleging, *inter alia*, that, on or about July 6, 2019, he was falsely arrested and subjected to excessive force during the course of an unlawful arrest. *See* Civil Docket Entry No. 1. Plaintiff further claims that he was thereafter maliciously prosecuted until the underlying criminal charges brought against him were dismissed. *Id.* On May 17, 2023 Plaintiff filed an Amended Complaint naming the City of New York as well as Police Officers Yoel Hidalgo, Luis Ortiz, Joseph Spalding, and Michael Vinzo as defendants in this action. *See* Civil Docket Entry No. 40. On October 26, 2023 the Court endorsed the Civil Case Management Plan and Scheduling Order setting the deadline for fact discovery as January 23, 2024. *See* Civil Docket Entry No. 72. On November 29, 2023, a settlement conference was scheduled for January 24, 2024. *See* Civil Docket Entry No. 76. On January 19, 2024, Your Honor ordered the parties to file a letter detailing that an offer and a demand had been exchanged or the conference would be rescheduled. *See* Civil Docket Entry No. 83.

As an initial matter, the parties sincerely apologize for failing to meet the Court's January 18, 2024 deadline. The undersigned was on trial in the matter of *Castro v. Smith*, 16-CV-8147 until the afternoon of January 11, 2024 and out of the office the following week.

As to settlement negotiations, plaintiff has provided a settlement demand and the parties have had discussions regarding resolution. The undersigned is in the process of providing body worn camera footage to plaintiff, which we hope will aid the parties' settlement discussions.

Accordingly, and with plaintiff's consent, defendants respectfully request that the court adjourn the January 24, 2024 settlement conference to a date convenient for the Court. We thank the Court for its time and consideration of this request.

Respectfully submitted,

/s/ KellyAnne Holohan  
KellyAnne Holohan, Esq.  
*Assistant Corporation Counsel*

cc: **BY ECF**  
*All counsel of record*

Application GRANTED to the extent that the settlement conference scheduled for January 24, 2024 is ADJOURNED *sine die*. The parties shall promptly contact the Chambers of Judge Moses via email ([moses\\_nysdchambers@nysd.uscourts.gov](mailto:moses_nysdchambers@nysd.uscourts.gov)) to reschedule this conference; they shall jointly state when they will be ready to proceed. The Court's staff will propose convenient dates. SO ORDERED.



Barbara Moses  
United States Magistrate Judge  
January 23, 2024